

In The District Court of The United States
For The Middle District of Alabama ~~RECEIVED~~
Division

2006 NOV 30 A 9:51

DAVID ALLEN #150171
Plaintiff Pro se
vs.

ZERA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Gwendolen Mosley, et al.
Defendants

Civil Action No. 2:06-CV-1020-MHT

Motion To Request An Examination By
An Outside FreeWorld Medical Doctor

In accordance with Rule 35 of the Federal
Rules of Civil Procedure, Plaintiff moves for an
order that will allow him to see an outside freeworld
medical physician.

Why Plaintiff should be allowed to see an outside
FreeWorld Physician -

1. As was set forth in his 42 U.S.C.:1983, the Plaintiff was severely beaten by several members of the Alabama D.O.C. Riot Team Squad Members,

on November 7, 2006, here at Easterling Prison,
Clio, Ala.

2. Plaintiff sustained the following injuries as a direct result of the above stated date and interaction:

A). Left eye blackened, and left side of head badly swollen, Possible slight concussion.

B). Right ear busted and split open; required suturing to close the laceration.

C). Left side of torso was kicked and stomped in. And after X-RAY(S) were taken it was APPARENTLY determined that I had been beaten to the point of sustaining one broken rib to my left side.

3. Plaintiff was placed inside the Administrative Segregation Unit shortly after he sustained said injuries on November 7, 2006, and it was TWO (2) days before he could maneuver well enough to be able to request to see the institutional medical Doctor or a nurse to let them know that "I AM IN PAIN, AND HAVE BEEN SUFFERING SINCE I WAS PLACED IN LOCK-UP ON NOVEMBER 7, 2006."

4. Plaintiff's chronology of his efforts to notify and receive proper and sufficient medical attention are as follows:

Please be advised that Plaintiff's efforts to seek medical care are being made from inside the lock-up unit here at Easterling Corr. Fac. Clio, Ala. from 11-9-2006 until . . .

D). 11-9-06 - APPROXIMATELY 2:35 A.M. Plaintiff turned in an "sick-call" slip - 11-9-06. At around 11:30 p.m., Officer Floyd COI and Officer Griffin COI escorted the Plaintiff from his lock-up cell, i.e., 5B-4 cell, to the Health Care Unit and I was seen by Nurse Ms. Baker. Ms. Baker cleaned my right ear up and ask me where I was hurting at. I told her my head, my rib cage, my eye, and my neck was hurting. Ms. Baker gave me some pills for pain (ASPRIN) and I was escorted back to my cell by same said officers.

E). 11-10-06. at 3:00 a.m. Plaintiff turned in an "sick-call" slip - 11-10-06, at 8:30 p.m. - Nurse Ms. Johnston, had me to sign a waiver and

said that the Doctor had ordered an follow-up for me to be seen on Monday the 13th of November."

F). 11-13-06, at 2:45 A.M., Plaintiff turned in an "sick-call" slip — 11-13-06. "I WAS NEVER Seen by the Doctor As I was told I would-"

G). 11-14-06, Plaintiff was escorted from lock-up to the Health Care Unit to see the Doctor, wherein, "the Doctor proceeded to taking the stitches out of my right ear. however, the Doctor had to sew my ear back up because my ear busted back open AGAIN.. which only caused me to have more pain and suffering."

H). 11-17-06, 6:00 p.m., "Nurse Ms. Womble came to my cell and told me to sign a waiver, and ~~told me the results of my previous x-ray(s)~~ and ~~she~~ said I had a broken rib."

Please be advised that the only reason Plaintiff signed any waiver(s) is because he was told to by the nurse — At this point Plaintiff is afraid not to do as he is told in fear of being hurt again.

UPON information and belief Plaintiff is being treated with a deliberate indifference because:

1. The medical staff knew and was told by the Plaintiff that he needs medical attention; and
2. The Prisons physician, Prison officials and medical staff "have not responded appropriately to my efforts to receive help for my injuries, esp., my rib cage, and my head won't stop pounding."

Plaintiff is aware that the Thanksgiving Holidays may have been impeding for medical staff, however, "An inmate must rely on Prison authorities to treat his medical needs; if the authorities fail to do so, those needs will not be met." Estelle vs. Gamble, 429 U.S. 97, 103 (1976).

Wherefore, Premises considered the Plaintiff prays that this Honorable Court will send forth an order and grant his motion to be allowed to see an outside free world physician so that his serious medical needs may be met. — Each day that goes by is another painful day. Please help.

This and any and all further relief that this Honorable Court deems just and proper in the instant case is also prayed for on this the 27 day of November 2006.

[Redacted]

Lincoln David Allen #150171

Plaintiff Pro se

DAVID Allen
#150171 5A-9-cell
Easterling Corr. Fac.
200 Wallace Drive
Clio, AL 36017

Certificate of Service

I, Lincoln Daniel Allen, hereby certify
that I have served A COPY of the foregoing
Motion to:

A) The United States District Court Clerk; and
B) To both Defendants via Hand Mail
by placing a copy of each Motion in the Prison mail
room via United States Postal mail, on this the 27
day of November 2006, as follows:

To both Defendants
Gwendolen Mosley
Jeffere Knox
Easterling Corr. Fac.
200 Wallace Drive
Clrd, AL 36017

Office of the Clerk
Ms. Debra P. Slackoff
P.O. Box 711
Montgomery, AL
36101-0711

I, Lincoln Daniel Allen, swear or affirm under
penalty of perjury, upon information and belief, that
the foregoing is true and correct.

Executed on 11-27-06

Lincoln Daniel Allen #150171

Plaintiff Pro se